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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 THERESA BROOKE,

12 Plaintiff,

13 v.

14 SUPERB HOSPITALITY LLC,

15 Defendant.  
16

Case No. 1:20-cv-00103-AWI-SAB

ORDER VACATING ORDER REQUIRING  
DEFENDANT TO FILE RESPONSIVE  
PLEADING AND SCHEDULING  
CONFERENCE

(ECF No. 97)

17 On March 29, 2021, an order issued granting in part Defendant's motion to dismiss  
18 Plaintiff's first amended complaint and denying Defendant's Rule 56 motion for summary  
19 judgment, Plaintiff's motion for Rule 56(d) relief, and numerous motions that were erroneously  
20 filed. (ECF No.) Due to the pending scheduling conference, an order issued on May 24, 2021  
21 requiring Defendant to file a responsive pleading within seven days. (ECF No. 97.)

22 Upon review of the district judge's order on the motion for sanctions, motion to dismiss,  
23 motion for partial summary judgment, Rule 56(d) motion for relief, and motion to amend, the  
24 Court finds that the May 24, 2021 order was improvidently issued. The district judge's order  
25 ended the substantive aspects of the case and all that remains are the issue of sanctions which  
26 will be decided by the district judge. (ECF No. 90 at 21.)

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The order requiring Defendant to file a responsive pleading, filed May 24, 2021,  
3 is VACATED; and  
4 2. The scheduling conference set for June 8, 2021 in Courtroom 9 is VACATED and  
5 the parties need not appear on that date.

6  
7 IT IS SO ORDERED.

8 Dated: May 25, 2021

  
UNITED STATES MAGISTRATE JUDGE